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Elizabeth A. Dudek

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*Elizabeth A. Dudek* November 15, 2004

Signature

Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/771,683 Confirmation No.: 4030  
Applicant : Naoki Shimazaki  
Title: : COMBUSTION CONTROL DEVICE AND METHOD  
FOR ENGINE  
Filed : February 4, 2004  
TC/A.U. : 3747  
Examiner : John T. Kwon  
Docket No. : 5616-0086  
Customer No. : 35301

Hartford, Connecticut, November 15, 2004

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

PETITION FOR A ONE-MONTH EXTENSION OF TIME  
and  
RESPONSE TO RESTRICTION REQUIREMENT

S I R:

Applicant hereby petitions for a one-month extension of time, to November 15, 2004, for filing a response to the Restriction Requirement dated September 13, 2004.

Applicant files a Preliminary Amendment herewith (under separate cover).

In response to the Restriction Requirement entered in the above-identified application in the Examiner's Action of September 13, 2004, Applicant

hereby provisionally elects, with traverse and without prejudice, Group I. Applicant submits that claims 1-8, 12-17 and new claims 18-20, drawn to a combustion control device for an engine, are associated with Group I.

The Examiner has required restriction to one of the following inventions:

- I. Claims 1-8 and 12-17, drawn to a combustion control device for an engine, classified in class 123, subclass 435; and
- II. Claims 9-11, drawn to a combustion control device with the multistage premix combustion mode, classified in class 123, subclass 295,

indicating that the inventions are distinct and unrelated. In light of amended claim 9, as discussed below, Applicant respectfully disagrees with Examiner's Restriction Requirement and traverses the requirement as being improper.

Applicant wishes to thank the Examiner for bringing to its attention that claim 9 recited "a multistage premix combustion mode." In an accompanying Preliminary Amendment, Applicant has amended claim 9 to recite "a multi-stage premix injection mode." Applicant respectfully submits that, as-amended, claim 9 and claims 1 and 12 are directed toward related inventions, that the field of search for these inventions is the same, and that the search and examination of the entire application can be made without serious burden.

Applicant's traversal is based on the second paragraph of MPEP 803. Applicant respectfully submits that a complete examination of elected Group I cannot be carried out without also a consideration of the related subject matter of Group II. Once this subject matter of Group I is considered, at that point, it would not constitute a "serious burden" to also examine the Group II claims. Applicant respectfully notes that MPEP 803 **requires** examination of plural groups, even though the restriction requirement is correct, if it would not constitute a serious burden to do so.

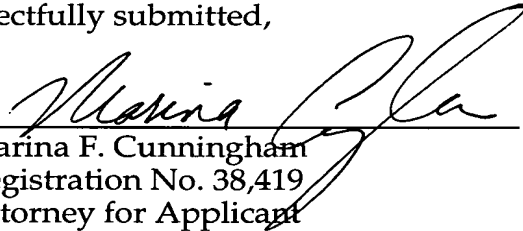
Application Serial No. 10/771,683  
Response dated November 15, 2004  
Reply to Restriction Requirement of Sep. 13, 2004

Additionally, Applicant has added new claims 18-20 in the enclosed Preliminary Amendment. New claim 18 depends from claim 1 and is a combination of claims 1 and 9. Claims 19 and 20 depend, directly or indirectly from claim 18. Applicant respectfully requests that new claims 18-20 be associated with Group I.

Accordingly, Applicant requests withdrawal of the restriction requirement and examination of all the claims on the merits.

Applicant hereby petitions for a one-month extension of time in order to file a Response to the Restriction Requirement in the above-identified application. The fee of \$110.00 required under 37 CFR 1.17(a) is enclosed. Applicant believes no additional fees are due for filing this response, however, if it is determined that a fee is due, please charge deposit account no. 13-0235.

Respectfully submitted,

By   
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